

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services - Sri K.V.Kishore Kumar, Assistant Section Officer, Home (Pri) Department - Departmental Proceedings under Rule 20 of Andhra Pradesh Civil Services (CC&A) Rules, 1991 - Further action dropped - Orders - Issued

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HOME (OP-I) DEPARTMENT

G.O.Rt.No.373,  
04.03.2010

Dated:

Read the following:

- Ref: 1) From, Lr.No.2656/C7/C5/CID/1999, dated 28.08.2007, 23.10.2007, 22.11.2007, Additional Director General of Police, C.I.D., Andhra Pradesh, Hyderabad
- 2) G.O.Rt.No.1810, Home (OP-I) Department, dated 06.12.2007
- 3) Defence statement of Sri K.V.Kishore Kumar, Assistant Section Officer, Home (Pri.A) Department
- 4) Memo.No.26327/OP-I/A1/2007-3 &4, Home (OP-I) Department, dated: 11.01.2008
- 5) Interim Orders dated 22.02.2008 in OA No.1534/2008 filed by Sri K.V.Kishore Kumar, Assistant Section Officer, Home (Pri.A) Department
- 6) Memo.No.26327/OP-I/A1/2007, Home (OP-I) Department, dated 24.04.08
- 7) Judgment dated 23.04.2009 of Andhra Pradesh Administration Tribunal Hyderabad in OA No. OA No.1534/2008 filed by Sri K.V.Kishore Kumar, Assistant Section Officer, Home (Pri.A) Department

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ORDER:

The Additional Director General of Police, C.I.D., Andhra Pradesh, Hyderabad in his letter dated 28.08.2007 has informed that, the Secretary, Andhra Pradesh Public Service Commission, Hyderabad has lodged a complaint to CID, stating that, the Andhra Pradesh Public Service Commission had conducted the Group-I Screening test on 04.04.1999 throughout the State for the posts like Deputy Collectors, Deputy Superintendents of Police and other posts. At the time of verification and scrutiny of the applications of the candidates, who were qualified for the written examination, it was found that two candidates who belong to S.T community, qualified in the Preliminary Examination, enclosed the same certificate with same names but different addresses. The Andhra Pradesh Public Service Commission Hyderabad has opined that, Sri K.Venugopal, S/o Subaiah, Manjeera Hostel, Room No.10, Osmania University campus, Hyderabad, application No.30001965, Registration No.93002419 and Sri Venu Gopal Kaveti, S/o Subbaiah Kaveti, C/o Anjaneyulu, Application No.30001966, Registration No.93002420 tried to cheat the Andhra Pradesh Public Service Commission and fraudulently got selected to the posts. On the above complaint a case in Cr.No.38/2000 u/s 419, 420 IPC of CID PS has been registered, investigated and filed charge sheet against the said two individuals and four others u/s 419, 420, 468, 471, 120(B) 201, IPC Sec, 8 r/w 4 (B) AP Examinations of Prevention of Malpractice and Unfairness Act 1997. During the trial, LW-17, Sri K.V.Kishore Kumar, Assistant Section Officer, Jails and Fire Service Section, Home Department, AP Secretariat, Hyderabad who worked earlier as Assistant Section Officer, General Administration Department was examined as prosecution witness-9. During the trial, he turned hostile and deposed in favour of the accused. Being a Public Servant he deviated from his 161(3) Cr.P.C. statement and deposed against the prosecution. Thus the Additional Director General of Police, C.I.D., Andhra Pradesh, Hyderabad has requested to take necessary disciplinary action against Sri K.V.Kishore Kumar, Assistant Section Officer, Home Department.

2. Accordingly, in the reference 2<sup>nd</sup> read above, the article of Charge has been framed against Sri K.V.Kishore Kumar, Assistant Section Officer, Home (Pri.A) Department with instructions to submit his defence statement within 10 days. The Charged Officer has submitted his defence and denied the charge vide reference 3<sup>rd</sup> read above. As he denied the charge, in the reference 4<sup>th</sup> read above, Smt G.D.Aruna, I.A.S., Additional Secretary to Government, Home Department has been appointed as an Inquiry Officer to enquire into the charges framed against the Charged Officer.

3. In the mean time, the Charged Officer has filed an OA No.1534/2008 seeking directions to set-a-side the orders issued vide G.O.Rt.No.1810, dated 06.12.2007 and consequential memos No.26327/OP-I/A1/2007-3 & 4, dated 11.01.2008. The

Hon'ble Andhra Pradesh Administration Tribunal, Hyderabad has issued the following Interim Relief:

"there shall be stay of all further proceedings pursuant to the impugned orders in G.O.Rt.No.1810, Home (OP-I) Department, dated 06.12.2007 and the consequential Memo.No.s 26327/OP-I/A1/2007-3, 4 dated 11.01.2008 pending further action in this OA."

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4. In the reference 6<sup>th</sup> read above, a detailed counter affidavit along with stay vacate petition has been filed and requested to dismiss the OA and to vacate the Interim Orders dated 22.02.2008. The Hon'ble Andhra Pradesh Administration Tribunal, Hyderabad has observed that, the applicant submitted detailed explanation on 20.12.2007 explaining how the statement recorded under 161(3) of Cr.P.C., is false and incorrect and he has given the details of the hostel where he has resided during the relevant period and how he was not aware of the back ground of accused in CC No.484/2002. It is further stated that, the statement recorded under 161(3) of Cr.P.C., recorded by the Investigating Officer is actually incorrect. Therefore, the correct evidence has been given before the Court. It is further submitted by the learned counsel for the applicant that the charge is vague and it stated that the applicant turned hostile and deposed in favour of the accused, which statement as deposed by the applicant went in favour of the accused and such statement having not given specifically in the charge memo, makes the charge vague and the applicant is not able to give specific reply and the matter cannot be enquired when specific statement is not stated in the charge itself. In view of vagueness of the charge, it is stated by the learned counsel for the applicant that it cannot be properly enquired by the Inquiry Officer as article of charge is vague. Therefore, the charge is liable to be quashed. Finally, the Hon'ble Andhra Pradesh Administration Tribunal, Hyderabad has pronounced the following Judgment.

5. "In view of the above facts and circumstances of the case and in view of vagueness of the charge, the O.A., is allowed by setting aside the impugned orders in G.O.Rt.No.1810, dated 06.12.2007 and consequential memo dated 11.01.2008. However, it is left open for the respondent to proceed in accordance with the rules, if they so desire, in accordance with the rules, VMA is dismissed."

6. After careful examination of the facts of the case and keeping in view of the orders dated 23.04.2009 of the Andhra Pradesh Administration Tribunal, Hyderabad, the Government hereby drop further action against Sri K.V.Kishore Kumar, Assistant Section Officer, Home (Pri.A) Department.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

P.GAUTAM KUMAR  
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri K.V.Kishore Kumar, Assistant Section Officer, Home (Pri.A) Department

**Copy to:**

The General Administration(SU-I/II) Department

The Additional Director General of Police, Andhra Pradesh, Hyderabad

The Inquiry Officer, & Additional Secretary to Government, Home Department.

SF/SC

// FORWARDED:: BY ORDER //

SECTION OFFICER